

cc; order, docket, remand letter to Los Angeles Superior Court,
Northeast District, Pasadena, 13PC 03605

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SAGE EQUITY INC. AS TRUSTEE FOR
HOWARD TRUST #330-207,

Plaintiff,

v.

RAMON ARLANTE; DOES 1–10,

Defendants.

Case No. 2:13-cv-07456-ODW(JCGx)

**ORDER REMANDING CASE TO
LOS ANGELES COUNTY
SUPERIOR COURT**

On October 8, 2013, Defendant Ramon Arlante removed this seemingly routine unlawful-detainer matter to this Court. (ECF No. 1.) But the Court finds that it lacks subject-matter jurisdiction over this purely state-law action. The Court there **REMANDS** this case to Los Angeles County Superior Court.

Arlante alleges that this Court has federal-question jurisdiction under the Protecting Tenants at Foreclosure Act of 2009, 12 U.S.C. § 5220. But Plaintiff has brought an unlawful-detainer action against Arlante as the result of a completed trustee's sale. (Compl. ¶ 6.) An unlawful-detainer action is purely a creature of state—not federal—law. *Galileo Fin. v. Miin Sun Park*, No. 09-1660, 2009 WL 3157411, at *1 (C.D. Cal. Sept. 24, 2009) (“Here, the complaint only asserts a claim for unlawful detainer, a cause of action that is purely a matter of state law. Thus, from the face of the complaint, it is clear that no basis for federal question jurisdiction exists.”).

1 Whatever protection the Act provides Arlante would at best serve as an
2 affirmative defense. And it “is settled law that a case may not be removed to federal
3 court on the basis of a federal defense.” *Hunter v. Philip Morris USA*, 582 F.3d 1039,
4 1042–43 (9th Cir. 2009) (internal quotation marks omitted).

5 Arlante also failed to establish diversity jurisdiction. In an unlawful-detainer
6 action, the amount in controversy is the reasonable rental value of the property for the
7 time that the defendant wrongfully holds over in possession—not the alleged loan
8 amount. Cal. Civ. Proc. Code § 1174(b); *MCA, Inc. v. Universal Diversified Enters.*
9 *Corp.*, 27 Cal. App. 3d 170, 179 (Ct. App. 1972). Plaintiff specially alleges in its
10 Complaint that the “amount of damages claimed in this action does not exceed
11 \$10,000.00.” (Compl. ¶ 1(c).) And even if the amount in controversy were met,
12 Arlante resides in the forum state, so he cannot properly remove this action. 28
13 U.S.C. § 1441(b).

14 The Court therefore **REMANDS** this action to the Los Angeles County
15 Superior Court, case number 13P03605. *See* 28 U.S.C. § 1447(c).

16 **IT IS SO ORDERED.**

17
18 October 10, 2013



21 **OTIS D. WRIGHT, II**
22 **UNITED STATES DISTRICT JUDGE**